

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD KELLY, No. C 11-00811 CW (PR)  
Plaintiff, ORDER OF TRANSFER  
v.  
D. JACKSON, et al.,  
Defendants.

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Plaintiff, a state prisoner currently incarcerated at Avenal State Prison, filed this action as a civil action in the Santa Clara County Superior Court, Kelly v. Jackson, et al., Case No. 110CV186459.

On February 22, 2011, Defendants removed the action to this Court pursuant to 28 U.S.C. § 1441(b). Defendants, who are represented by the State Attorney General's Office,<sup>1</sup> have filed a motion asking the Court to screen the complaint under 28 U.S.C. § 1915A.

The acts complained of occurred at Avenal State Prison, which is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk

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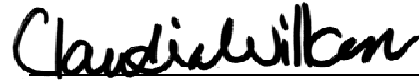
<sup>1</sup> Deputy Attorney General Erin Burns Sullivan represents and has acknowledged service on behalf of Defendants Whiteman, Boccella, Jackson, Gutierrez, Hartley, Roberts, Tuntakit, Vargas and Gibson.

1 of the Court shall transfer the case forthwith.

2 All pending motions are TERMINATED on this Court's docket as  
3 no longer pending in this district.

4 IT IS SO ORDERED.

5 Dated: 3/4/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD KELLY,  
Plaintiff,

Case Number: CV11-00811 CW

v.

**CERTIFICATE OF SERVICE**

D JACKSON et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 4, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard Kelly T-15250  
Avenal State Prison  
P.O. Box 900  
510-1-20  
Avenal, CA 93204

Dated: March 4, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California